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Paper No. 8

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OFFICE OF PETITIONS

In re Application of :
Peter Hachmann et al : DECISION GRANTING
Application No. 10/026,240 : PETITION
Filed: December 21, 2001 :
Attorney Docket No. A-2869 :

This is a decision on the petition under 37 CFR 1.10(c) filed March 13, 2002, requesting that the above-identified application be accorded a filing date of December 21, 2001, rather than the presently accorded filing date of December 22, 2001.

Petitioners allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on December 21, 2001. In support, petitioners provided, inter alia, a copy of the Express Mail label, receipt no. EL600692356US, showing a Date-In of December 21, 2001. The same Express Mail receipt number was referred to in the copy of the original application transmittal letter submitted with the instant petition. Petitioners request that the application be accorded a filing date of December 21, 2001.

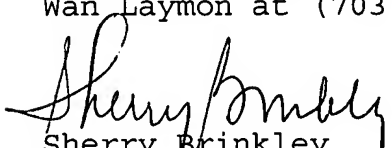
The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 21, 2001.

The petition is granted.

Receipt is acknowledged of the associate power of attorney filed January 25, 2002, and the declaration filed in response to the Notice mailed January 29, 2002.

The application is being returned to Initial Patent Examination Division for correction of the filing date to December 21, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy